

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

Donna W. Reese

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SCDOI Docket # 06-0620

**ORDER IMPOSING
ADMINISTRATIVE FINE**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting that an administrative fine of \$1,500.00 be imposed on Donna W. Reese (Producer Surety Bondsman).

After careful review of the evidence presented, the Department issues the following decision.

FINDINGS OF FACT

Producer is currently a South Carolina resident producer surety bondsman.

In the State of South Carolina, the bondsman on April 10, 2006 utilized unlicensed runners to apprehend Adreian Shaw at Cottman Transmissions 2428 Decker Blvd., Columbia, South Carolina.

In the State of South Carolina the producer failed to reply to a "Notice of Investigation" sent certified and regular mail through the US Postal Service by the Department, which she acknowledged receipt of on December 1, 2006.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-53-80 "No person may act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional or surety bondsmen or runners under the provisions of this chapter unless that person is qualified". 38-53-150 (A)(7) (A)"The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for.....(7) failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department". 38-43-130(A)(C)(2) (A) "The director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has.....violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." (C) "The words 'deceived or dealt unjustly with the citizens of this State' include, but are not limited to, action or inaction by the producer as follows:" (2) "violating any insurance laws, or violating any regulation, subpoena or order of the director or of another state's director or his designee." Because Donna W. Reese utilized unlicensed runners on April

10, 2006 and failed to respond to the notice of investigation dated November 21, 2006, the Department now moves to impose an administrative fine of \$1,500.00.

THEREFORE, it is ordered that Donna W. Reese, a South Carolina resident licensed producer surety bail bondsman shall pay an administrative fine of \$1,500.00 within thirty (30) days from the date of this order, unless Donna W. Reese requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court. If Donna W. Reese fails to pay the administrative fine as stated or request a public hearing before the South Carolina Administrative Law Court within thirty (30) days from the date of this order, her producer's license and bail bondsman license will be summarily revoked without any further disciplinary proceedings.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Scott H. Richardson
Director of Insurance

Dated this 13 day of March, 2008